

Message Text

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ACTION PM-07

INFO OCT-01 NEA-10 ADP-00 SS-15 EB-11 COME-00 MC-02 L-03

CIAE-00 INR-10 NSAE-00 RSC-01 AID-20 IGA-02 RSR-01

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P R 271320Z AUG 73

FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC PRIORITY 3620

INFO SECDEF/WASHDC

JCS:WASHDC

USCINCEUR/VAIHINGEN

C O N F I D E N T I A L TEHRAN 6084

E.O. 11652: GDS

TAGS: MASS, IR, US

SUBJ: SUPPORT CONTRACT FOR BOEING REFUELERS

REF: A. ARMISH/MAAG 061335Z DEC 72 B. STATE 231443 DEC 72

ACTION REQUESTED: ADVICE ON LANGUAGE OF HOSTILITIES CLAUSE IN AIR-CRAFT SUPPORT CONTRACT.

1. IN RECENT CONVERSATION WITH AMBASSADOR, SHAH EXPRESSED CONCERN ABOUT TWO ASPECTS OF SUPPORT CONTRACT FOR BOEING 707-3J9C REFUELERS. AT STATE DEPARTMENT INSISTENCE, SHAH UNDERSTOOD, (1) CLAUSES ON LIMITATION OF EMPLOYMENT WERE INSERTED AND (2) COMPANY TECHNICIANS WOULD ONLY VISIT IRAN PERIODICALLY AND NOT MAINTAIN PERMANENT FORCE IN COUNTRY.

2. EMBOFF SAW DEHESH (MIN/WAR) AUGUST 25 FOR CLARIFICATION. DEHESH SAID THERE WAS NO PROBLEM ON SECOND POINT. COMPANY WILL HAVE OVER 100 EMPLOYEES IN COUNTRY, UNTIL THEY HAVE TRAINED IRANIANS. CONTRACT WITH LOGISTICS SUPPORT CORP (LSC) (BOEING SUBSIDIARY) WILL RUN 18 MONTHS FOR SOME \$18 MILLION.

3. MAIN PROBLEM, DEHESH SAID, WERE FOLLOWING CLAUSES: QTE 8.3

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LIMITATION OF MISSIONS - LSC FLIGHT PERSONNEL. IT IS RECOGNIZED

THAT THE LSC FLIGHT PERSONNEL WILL, FROM TIME TO TIME, BE TRAINING IRANIAN GOVERNMENT PERSONNEL IN THE OPERATION OF THE AIRCRAFT. IN ADDITION. SUCH LSC FLIGHT PERSONNEL WILL BE CREWING THE AIRCRAFT FOR TRAINING EXERCISES AND FOR ACTUAL TANKER, CARGO AND PASSENGER TRANSPORT OPERATIONS. NO LSC FLIGHT PERSONNEL SHALL BE REQUIRED AT ANY TIME TO PARTICIPATE DIRECTLY OR INDIRECTLY IN THE OPERATION OF ANY AIRPLANE (INCLUDING THE "AIRCRAFT") IN ANY HOSTILE ACTION, IN OR OVER IRAN, WHEN THERE IS RIOT, INSURRECTION, CIVIL WAR PRESENT OR IN OR OVER ANY COUNTRY (INCLUDING TERRITORIAL WATERS THEREOF) KNOWN OR EXPECTED TO BE A HOSTILE ENEMY OF IRAN OR THE UNITED STATES OR WHERE IRAN OR THE UNITED STATES IS CONSIDERED OR MAY BE EXPECTED TO BE CONSIDERED A HOSTILE ENEMY. IT IS UNDERSTOOD THAT NORMAL FLIGHT TRAINING OPERATIONS INVOLVING THE AIRCRAFT WILL BE CONDUCTED WITHIN THE BORDERS OF IRAN AND ADJACENT INTERNATIONAL WATERS. IT IS FURTHER UNDERSTOOD THAT TRANSPORT AND FERRY OPERATIONS EXTENDING BEYOND SUCH BORDERS WILL REQUIRE PRIOR OVERFLIGHT CLEARANCE FROM THE NATION(S) OVER WHICH SUCH FLIGHTS ARE TO BE CONDUCTED. SUCH OVERFLIGHT CLEARANCE SHALL BE OBTAINED BY THE IRANIAN GOVERNMENT AND COPIES OF SUCH CLEARANCES FURNISHED TO LSC. 8.4 WORK LIMITATIONS. IN ADDITION TO THE LIMITATIONS CONTAINED IN PARAGRAPH 8.4 ABOVE, NO LSC PERSONNEL (INCLUDING FLIGHT PERSONNEL) SHALL BE REQUIRED TO PERFORM SERVICES (I) WHEN THERE EXISTS CIVIL WARS, RIOTS, AND INSURRECTIONS IN IRAN OR ANY COUNTRY WHERE SUCH SERVICES ARE TO BE PERFORMED, (II) WHEN THERE EXISTS CONDITIONS AT SUCH PLACE OF PERFORMANCE THAT ARE DANGEROUS TO THE HEALTH OR WELFARE OF LSC PERSONNEL, OR (III) WHEN THE GOVERNMENT OF THE UNITED STATES REFUSES PERMISSION FOR SUCH LSC PERSONNEL TO PERFORM SUCH SERVICES OR TO ENTER SUCH OTHER COUNTRY. UNQTE.

4. DEHESH, WHO FAMILIAR WITH SIMILAR LOCKHEED CASE (REFTELS), SAID HE HAD TRIED UNSUCCESSFULLY TO EXPLAIN TO SUPERIORS THAT THESE CLAUSES WERE USG LEGAL REQUIREMENT. PARTICULARLY DISTURBING WAS REFERENCE TO "CIVIL WARS, RIOTS AND INSURRECTIONS". GOI FEARED COMPANY MIGHT REFUSE TO WORK DURING MINOR OUTBREAK OF TROUBLE, SUCH AS RECENT SHOOT-OUT WITH GUERILLAS AT ABADAN, WHICH WOULD HAVE NO RELATION TO REFUELER OPERATIONS. WE SUGGESTED THAT LANGUAGE WAS INSERTED IN ORDER FOR LSC TO OBTAIN INSURANCE COVERAGE FOR ITS EMPLOYEES. NO, REPLIED DEHESH, LSC HAD SAID LANGUAGE WAS STATE DEPARTMENT REQUIREMENT. WE OFFERED TO CHECK.

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5. ACTION REQUESTED. PLEASE LET US KNOW WHAT PROVISIONS DEPARTMENT DOES AND DOES NOT REQUIRE IN MISSION AND WORK LIMITATION CLAUSES OF THIS KIND.
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